

# Exhibit 5

January 07, 2025

1-4

DANIEL J. KING  
Fischer v Government Employees Ins.

	Page 1	Page 3
1	UNITED STATES DISTRICT COURT	1 APPEARANCES:
2	EASTERN DISTRICT OF NEW YORK	2
3	-----x	3 OUTTEN & GOLDEN, LLP
4	KEITH FISCHER, MICHAEL O'SULLIVAN, JOHN MOESER, LOUIS PIA, THOMAS BARDEN, CONSTANCE MANGAN, and CHARISE JONES, individually and on behalf of all others similarly situated,	4 Attorney for Plaintiffs 5 685 Third Avenue, 25th Floor, New York, New York 10017 (212) 245-1000 BY: SABINE JEAN, ESQ.
5	Plaintiffs,	6 Sjean@outtengolden.com
6	Case No.: 2:23 Civ. 2848 (GRB) (ARL)	7 JARRON MCALLISTER, ESQ. Jmcallister@outtengolden.com
7	-against-	8
8	GOVERNMENT EMPLOYEES INSURANCE COMPANY d/b/a GEICO, Defendants.	9
9	-----x	10 DUANE MORRIS, LLP Attorney for Defendant
10	DEPOSITION OF	11 1540 Broadway, 14th Floor, New York, New York 10036 (212) 471-1856 BY: GREG SLOTNICK, ESQ.
11	DANIEL JOSEPH KING	12 Gsslotnick@duanemorris.com
12	Tuesday, January 7th, 2025	13 Sam Shereck, Shereck Video, videographer 14 Sshereck1@gmail.com
13	Garden City, Long Island, New York	15
14	Reported By:	16
15	Marina Dubson	17
16	Job #: J12200285	18
17		19
18		20
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	Page 2	Page 4
1	DATE: January 7th, 2025	1 IT IS HEREBY STIPULATED AND AGREED,
2	TIME: 10:00 a.m.	2 by and between the attorneys for the
3		3 respective parties, as follows:
4		4
5		5 THAT all objections, except as to the form
6		6 of the questions, shall be reserved to the
7		7 time of the trial;
8		8
9	DEPOSITION of DANIEL JOSEPH KING, an opt-in Plaintiff herein, taken by the	9 THAT the within examination may be signed
10	Defendant, pursuant to Federal Rules of Civil Procedure, and Notice, held at	10 and sworn to before any Notary Public with
11	Esquire Deposition Solutions, 1225 Franklin Avenue, Suite 325, Garden City, New York	11 the same force and effect as if signed and
12	11530, at the above-mentioned date and	12 sworn to before the Court;
13	time, before MARINA DUBSON, a Notary Public	13
14	of the State of New York.	14 THAT filing of the original transcript of
15		15 the examination is waived.
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DANIEL J. KING  
Fischer v Government Employees Ins.

January 07, 2025  
137-140

Page 137	Page 139
1 D. King 2 show proof of when -- when my cases were 3 submitted, at what time. 4 Q. When you say your calendar 5 book, are those the documents that we 6 talked about earlier that you produced in 7 this case? 8 A. Yes. 9 Q. In paragraph 12 on the same 10 page at the bottom, it -- you say, GEICO 11 required me to seek approval from my 12 supervisor to submit any hours worked above 13 38.75? 14 A. Correct. 15 Q. Did a supervisor tell you that? 16 A. Well, that's what you had to 17 do. You had to submit your -- your 18 timesheet, and if there was anything over 19 that, you -- you know, technically, I guess 20 you were supposed to say if you were going 21 to get paid, but they were not paying you 22 for it. 23 Q. Did you ever actually submit 24 over that amount, though? 25 A. No.	1 D. King 2 paragraph? 3 A. Just regular investigators. 4 Q. Can you identify who you're 5 talking about by name? 6 A. Well, anybody who was an 7 investigator that was working for 8 Dara Campbell at that time. 9 Q. Were you present for those 10 discussions? 11 A. No. 12 Q. And what do you mean by 13 frequently reiterated? 14 A. When I would complain about 15 that, that I'm having trouble keeping up 16 with the work -- 17 (Clarified by the Court Reporter.) 18 A. When I would speak to her about 19 me having trouble keeping up with my 20 caseload and saying that, you know, there's 21 not enough hours in the day for me, and 22 basically had said I am going to get 23 divorced soon because my wife was 24 complaining I'm never around even though I
Page 138	Page 140
1 D. King 2 Q. So, how do you know that they 3 were not paying you for it? 4 A. Well, just what my supervisor 5 told me. 6 Q. And those were the 7 conversations with -- 8 A. Dara Campbell. 9 Q. -- Dara Campbell that you 10 testified to earlier? 11 A. Yeah. 12 Q. And for those discussions with 13 Dara, was anyone else present or it was 14 just a one-on-one conversation? 15 A. It was a one-on-one on the 16 telephone. 17 Q. You continue, in the same 18 paragraph, it says, Dara Campbell, my 19 supervisor, frequently reiterated to me and 20 other special investigators that hours 21 above 38.75 to complete regular case work 22 would not be approved? 23 A. Correct. 24 Q. What other special 25 investigators are you referring to in that	1 D. King 2 work from home. 3 She basically said we're all -- 4 she did say, but I can't quote, we're all 5 in the same boat and you got to do the best 6 you can. 7 Q. Did she say anything else on 8 that front? 9 A. Not that I recall. 10 Q. Do you know if any other 11 investigators complained to Dara Campbell 12 about not being able to keep up with the 13 workload like you did? 14 A. Honestly, I don't know. 15 Q. Did working from home during 16 the time period you couldn't go into the 17 field after March 2020, did that give you 18 any more flexibility in terms of how and 19 when you could investigate your cases? 20 A. No. It -- it kind of hindered 21 it because we couldn't go out. 22 Q. Were you still required to go 23 into the field and take pictures and scene 24 canvass? 25 A. Not in the beginning, no.

DANIEL J. KING  
Fischer v Government Employees Ins.

January 07, 2025  
221-224

Page 221			Page 223		
1	D. King		1	D. King	
2	THE VIDEOGRAPHER: Okay. We're		2	I N D E X	
3	off the record at 3:54, and that		3		
4	concludes the deposition.		4	EXAMINATION BY	PAGE
5	(Whereupon, at 3:55 P.M., the		5	MR. SLOTNICK	6
6	Examination of this Witness was		6	MS. JEAN	212
7	concluded.)		7		
8			8	INFORMATION AND/OR DOCUMENTS REQUESTED	
9			9	INFORMATION AND/OR DOCUMENTS	PAGE
10	DANIEL KING		10	1. Request for SICM entries	219
11			11	2. Request for metrics	220
12	Subscribed and sworn to before me		12	3. Request for expectations for	220
13	this ____ day of _____ 20_____. 14		13	case investigation tasks	
15	NOTARY PUBLIC		14		
16			15		
17			16	QUESTIONS MARKED FOR RULINGS	
18			17	PAGE LINE QUESTION	
19			18	(None)	
20			19		
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Page 222			Page 224		
1	D. King		1	D. King	
2	E X H I B I T S		2	C E R T I F I C A T E	
3			3		
4	DEFENDANT EXHIBITS		4	STATE OF NEW YORK )	
5			5	COUNTY OF RICHMOND )	
6	EXHIBIT	EXHIBIT	6	:	
7	NUMBER	DESCRIPTION	7	I, MARINA DUBSON, a Notary Public for	
8	Exhibit 1	the complaint	8	and within the State of New York, do hereby	
9	Exhibit 2	GEICO employee handbook	9	certify:	
10	Exhibit 3	training log	10	That the witness whose examination is	
11	Exhibit 4	Declaration of Daniel	11	hereinbefore set forth was duly sworn and	
12	King		12	that such examination is a true record of	
13	Exhibit 5	interrogatories	13	the testimony given by that witness.	
14	Exhibit 6	second amended collective	14	I further certify that I am not	
15		and class action complaint	15	related to any of the parties to this	
16	Exhibit 7	e-mail	16	action by blood or by marriage and that I	
17	Exhibit 8	e-mail	17	am in no way interested in the outcome of	
18	Exhibit 9	e-mail	18	this matter.	
19	Exhibit 10	e-mail	19	IN WITNESS WHEREOF, I have hereunto	
20			20	set my hand this 7th day of January 2025.	
21			21		
22	(*Exhibits attached to transcript.)		22		
23			23	MARINA DUBSON	
24	(Cont'd next page.)		24		
25			25		